

All correspondence referring to announcements and subscription of Government Gazette must be addressed to its administration office. Literary publications will be advertised free of charge provided two copies are offered.

Toda a correspondência relativa a anúncios e à assinatura do Boletim Oficial deve ser dirigida à Administração da Imprensa Nacional. As publicações literárias de que se receberem dois exemplares anunciam-se gratuitamente.



SUBSCRIPTION RATES — ASSINATURA

	YEARLY (Annual)	HALF-YEARLY (Semestral)	QUARTERLY (Trimestral)
All 3 series (As 3 series)	Rs. 40/-	Rs. 24/-	Rs. 18/-
I Series	Rs. 20/-	Rs. 12/-	Rs. 9/-
II Series	Rs. 16/-	Rs. 10/-	Rs. 8/-
III Series	Rs. 20/-	Rs. 12/-	Rs. 9/-

Postage is to be added when delivered by mail —
Acréscio o porte quando remetido pelo correio

GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Legislature Department

No. LA/763/64

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 2nd September 1964, and is hereby published for general information.

The Goa, Daman and Diu Sales Tax Act, 1964

No. 4 of 1964 [2nd September, 1964]

An Act to impose a tax on the sale of goods in Goa, Daman and Diu and to provide for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Fifteenth Year of the Republic of India, as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Goa, Daman and Diu Sales Tax Act, 1964.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas or different goods.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commissioner" means the Commissioner of Sales Tax appointed under sub-section (1) of section 3;

(b) "dealer" means any person who carries on the business of selling goods in Goa, Daman and Diu and includes the Government of India, or of any State, or of any Union Territory.

Explanation 1. A Hindu undivided family, a firm and any other association of persons whether incorporated or not will be deemed to be a person for the purpose of this definition.

Explanation 2. A co-operative society or a club or any association of persons, which sells goods to its members is a dealer;

Explanation 3. A factor, a broker, a commission agent, a del credere agent, an auctioneer or any other mercantile agent, by whatever name called, and whether of the same description as hereinbefore mentioned or not, who carries on the business of selling goods and who has, in the customary course of business, authority to sell goods belonging to a principal, is a dealer;

Explanation 4. The manager or an agent in Goa, Daman and Diu, of a dealer who resides outside Goa, Daman and Diu but carries on the business of selling goods in Goa, Daman and Diu shall, in respect of such business, be deemed to be a dealer;

(c) "Goa, Daman and Diu" means the Union Territory of Goa, Daman and Diu;

(d) "goods" includes all materials, commodities and articles but does not include newspapers, actionable claims, stocks, shares, securities or money;

(e) "Government" means Government of Goa, Daman and Diu;

(f) "manufacture" with all its grammatical variations and cognate expressions means any process of producing, making, extracting, altering, ornamenting, finishing or otherwise processing, treating or adapting any goods;

(g) "Official Gazette" means the Goa, Daman and Diu Gazette;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "raw materials" mean goods which go into and form part of the finished product and include materials which are consumed in the process of manufacture;

(j) "registered" means registered under this Act;

(k) "sale" with its grammatical variations and cognate expressions, means any transfer of property in goods by one person to another for cash or deferred payment or other valuable consideration, and includes a transfer of goods on hire-purchase or other system of payment by instalments, but does not include a mortgage or hypothecation of or a charge or pledge on goods;

Explanation.—A sale or purchase of goods shall be deemed to take place inside Goa, Daman and Diu if the goods are within that territory—

- (i) in the case of specific or ascertained goods, at the time the contract of sale is made; and
- (ii) in the case of unascertained or future goods, at the time of their appropriation to the contract of sale by the seller or by the buyer, whether assent of the other party is prior or subsequent to such appropriation;

(l) "sale-price" means the amount payable to a dealer as consideration for the sale of any goods, excluding any sum allowed as cash discount according to the practice normally prevailing in the trade, but inclusive of any sum charged for anything done by the dealer in respect of the goods at the time of or before the delivery thereof, other than the cost of freight or delivery or the cost of installation in cases where such cost is separately charged;

(m) "turnover" used in relation to any period means the aggregate of the sale-prices or parts of sale prices receivable, or if a dealer so elects, actually received, by the dealer during such period after deducting the amounts, if any, refunded by the dealer in respect of any goods returned by the purchaser within such period:

Provided that an election as aforesaid once made shall not be altered except with the permission of the Commissioner and on such terms and conditions as he may think fit to impose;

(n) "year" means the financial year commencing on the first of April.

Taxing Authorities.

3. (1) For carrying out the purposes of this Act, the Government may appoint a person to be Commissioner of Sales Tax, and such other persons to assist him as it thinks fit.

(2) Persons appointed under sub-section (1) shall exercise such powers as may be conferred, and perform such duties as may be required, by or under this Act.

(3) All persons appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Incidence of tax.

4. (1) With effect from such date as the Government may, by notification in the Official Gazette, appoint, being not earlier than thirty days after the date of the said notification, every dealer whose gross turnover during the year immediately preceding the commencement of this Act exceeded the taxable quantum shall be liable to pay tax under this Act on all sales effected after the date so notified:

Provided that a dealer who deals exclusively in one or more classes of goods specified in the second schedule shall not be liable to pay any tax under this Act.

(2) Every dealer to whom sub-section (1) does not apply, shall, if his gross turnover calculated from the commencement of any year exceeds the taxable quantum at any time within such year, be

liable to pay tax under this Act, on the expiry of two months from the date on which such gross turnover first exceeds the taxable quantum, on all sales effected after such expiry.

(3) Every dealer who has become liable to pay tax under this Act shall continue to be so liable until the expiry of three consecutive years, during each of which his gross turnover has failed to exceed the taxable quantum and such further period after the date of such expiry as may be prescribed, and on the expiry of this latter period his liability to pay tax shall cease.

(4) Every dealer whose liability to pay tax under this Act has ceased under the provisions of sub-section (3), shall, if his gross turnover calculated from the commencement of any year again exceeds the taxable quantum at any time within such year, be liable to pay such tax on the expiry of two months from the date on which such gross turnover again first exceeds the taxable quantum on all sales effected after such expiry.

(5) In this Act, the expression "taxable quantum" means—

- (a) in relation to any dealer who imports for sale any goods into Goa, Daman and Diu or manufactures or produces any goods for sale, regardless of the value of the goods imported, manufactured or produced, ten thousand rupees;
- (b) in relation to any other dealer, thirty thousand rupees:

Provided that if the Government is of opinion that having regard to the difficulty in maintaining accounts or other sufficient cause the taxable quantum in respect of any class of dealers falling under clause (a) should be increased, the Government may fix in respect of such class of dealers such taxable quantum, not exceeding thirty thousand rupees, as may be specified in the notification.

Liability after cancellation of registration.

5. Any dealer whose certificate of registration granted under sections 11, 12, 13 or 14 has been cancelled shall, if his gross turnover calculated from the commencement of any year or from any date within the year exceeds the taxable quantum at any time within such year, be liable to pay such tax on the expiry of two months from the date on which such gross turnover again first exceeds the taxable quantum on all sales, effected after such expiry, of goods imported from outside Goa, Daman and Diu or manufactured therein.

Liability of dealers registered under Central Sales Tax Act.

6. Every dealer shall, notwithstanding that he is not liable to pay tax under any of sub-sections (1) to (4) of section 4 or section 5, be liable to pay tax under this Act so long as he is registered under the Central Sales Tax Act, 1956, on all sales effected by him or on his behalf within Goa, Daman and Diu on or after the date of his liability or the date of his registration, whichever is earlier, under the Central Sales Tax Act aforesaid;

Provided that no tax shall be payable in respect of sales in any period prior to the commencement of this Act.

Rate of tax.

7. (1) The tax payable by a dealer under this Act shall be levied on the taxable turnover at the following rates, namely:—

- (a) in respect of goods specified in the First Schedule, at the rate of ten paise in the rupee;
- (b) in respect of goods specified in the Third Schedule, at the rate of two paise in the rupee;
- (c) in respect of any other goods, at the rate of five paise in the rupee;

Provided that the Government may, by notification in the Official Gazette, add to, or omit from, or otherwise amend the First and the Third Schedules, without affecting the entries in the Second Schedule.

Provided further that if in respect of any goods or class of goods the Government is of opinion that it is expedient in the interest of the general public so to do, it may, by notification in the Official Gazette, direct that the tax in respect of the taxable turnover of such goods or class of goods shall, subject to such conditions as may be specified, be levied at such modified rate not exceeding the rate applicable under this sub-section as may be specified in the notification.

(2) The Government or any other person authorised in this behalf may permit dealers, in such circumstances and under such conditions as may be prescribed, to compound the tax assessable on their taxable turnover under the provisions of this Act by paying in lieu thereof a lump sum in such manner as may be prescribed.

(3) In this Act, the expression «taxable turnover» means that part of a dealer's gross turnover during any period which remains after deducting therefrom his turnover during that period on—

(I) the sale of goods declared tax-free under section 10;

(II) sales to a registered dealer—

- (a) of goods of the class or classes specified in the certificate of registration of such dealer, as being intended for—
 - (i) re-sale by him within Goa, Daman and Diu;
 - (ii) re-sale by him in the course of inter-state trade or commerce;
 - (iii) re-sale in the course of export out of India or re-sale after such export or;
 - (iv) use by him as raw materials in the manufacture of goods for sale, and
- (b) of containers or other materials for the packing of goods of the class or classes so specified for sale:

Provided that no deduction shall be allowed unless the dealer who sells the goods furnishes in the prescribed manner—

- (a) in the case of sales falling within sub-items (i) and (iv) of item (a) and within item (b), a declaration duly filled up and signed

by the registered dealer to whom the goods are sold and containing the prescribed particulars in the prescribed form; and

- (b) in the case of sales falling within sub-items (ii) and (iii) of item (a), a certificate in the prescribed form from the dealer to whom the goods are sold, that the goods are purchased for re-sale in the course of inter-state trade or commerce or for re-sale in the course of export out of India or for re-sale after such export, and that such goods will be so re-sold by himself or by any other registered dealer to whom he re-sells the goods within nine months from the date of such purchase or such further period as may be prescribed:

Provided further that where any goods specified in the certificate of registration are purchased by a registered dealer for any of the purposes specified in item (a), but are utilized by him for any other purpose, or are not re-sold in the manner and within the period prescribed, the price of the goods so purchased shall be allowed to be deducted from the gross turnover of the selling dealer but shall be included in the taxable turnover of the purchasing dealer;

(III) sales of goods which are specified by the Government under section 8 as goods taxable at the first point and which are made by any dealer other than the manufacturer or importer, provided that in the case of such sales proof of payment of tax at the first point is adduced to the satisfaction of the Commissioner.

(IV) sales to any undertaking supplying electrical energy to the public under a licence or sanction granted or deemed to have been granted under the Indian Electricity Act, 1910, of goods for use by it in the generation or distribution of such energy;

(V) sales of goods which are shown to the satisfaction of the Commissioner to have been despatched by, or on behalf of the dealer to an address outside Goa, Daman and Diu;

(VI) such other sales as may be prescribed.

Point at which sales may be taxed.

8. The tax payable under this Act shall be levied on the taxable turnover at the point of sale to the consumer or to a person other than a registered dealer:

Provided that the Government may, by notification in the Official Gazette, specify the first or any other point of sale in the series of sales of successive dealers, as the point at which any goods or class of goods may be taxed.

Burden of proof.

9. The burden of proving that in respect of any sale effected by a dealer he is not liable to pay tax under this Act shall lie on him.

Tax-free goods.

10. (1) No tax shall be payable under this Act on the sale of goods specified in the Second Schedule, subject to the conditions and exception, if any, set out therein.

(2) The Central Government may, by notification in the Gazette of India, add to, omit from or otherwise amend the entries in the Second Schedule.

Registration of dealers.

11. (1) No dealer shall, while being liable to pay tax under section 4 of this Act, carry on business as a dealer unless he has filed an application in accordance with sub-section (2) or has been registered and possesses a registration certificate under this Act.

(2) Every dealer required by sub-section (1) to be registered shall make application in this behalf in the prescribed manner and within the prescribed time to the prescribed authority.

(3) If the said authority is satisfied that the application for registration is in order, he shall, in accordance with such rules as may be prescribed, register the applicant and grant him a certificate of registration in the prescribed form which shall specify all his places of business and the class or classes of goods, for the purpose of clause (II) of sub-section (3) of section 7.

(4) The prescribed authority may from time to time amend any certificate of registration in accordance with information furnished under section 23 or otherwise received.

(5) The Commissioner may, for good and sufficient reasons, demand from a registered dealer or from a person who has applied for registration under this Act:—

- (i) reasonable security for the proper payment of tax payable by him under this Act;
- (ii) reasonable security for the proper custody and use of the forms referred to in the first proviso to clause (II) of sub-section (3) of section 7 which may be given to him by the prescribed authority.

(6) When any dealer has been convicted or has paid composition money under section 32, in respect of any contravention of sub-section (1) of this section, the prescribed authority shall register such dealer and grant him a certificate of registration, and such registration shall take effect as if it had been made under sub-section (3) of this section on the dealer's application.

(7) When —

- (a) any business in respect of which a certificate has been granted to a dealer on an application made, has been discontinued or transferred, or
- (b) a dealer has ceased to be liable to pay tax under section 4 of this Act,

the Commissioner shall cancel the registration.

(8) The Commissioner may at any time for reasons to be recorded in writing and after giving the dealer an opportunity of being heard, cancel any certificate of registration.

Voluntary registration.

12. (1) Any dealer other than a dealer who deals exclusively in one or more classes of goods specified in the Second Schedule, whose gross turnover during a year exceeds ten thousand rupees may, notwithstanding that he may not be liable to pay tax under section 4, apply in the prescribed manner to the prescribed authority for registration under this Act.

(2) The provisions of sub-sections (3), (4), (5), (7) and (8) of section 11 shall apply in respect of applications for registration under this section.

(3) Every dealer who has been registered upon application made under this section shall, for so long as his registration remains in force, be liable to pay tax under this Act.

(4) The registration of a dealer upon application made under this section shall be in force for a period of not less than three complete years and shall remain in force thereafter unless cancelled under the provisions of this Act.

(5) Subject to the provisions of sub-section (4), a dealer registered upon application made under this section may apply in the prescribed manner not less than six months before the end of a year to the authority which granted him a certificate of registration for the cancellation of such registration to take effect at the end of the year in which the application for such cancellation is made; and the said authority shall, unless the dealer is liable to pay tax under section 4, cancel the registration accordingly.

Provisional registration.

13. (1) Any person who intends to establish a business in Goa, Daman and Diu for the purpose of manufacturing or producing goods of a value exceeding ten thousand rupees per year, may, notwithstanding that he is not required to register himself under section 11, apply in the prescribed manner to the prescribed authority for provisional registration under this Act.

(2) If the said authority, after making such inquiries as it may consider necessary, is satisfied as to the *bona-fide* intention of the person making the application, it may grant a provisional certificate of registration on such person furnishing such security as it may consider necessary and shall specify in such certificate the class or classes of goods for the purposes of clause (II) of sub-section (3) of section 7.

(3) Every person who has been granted a provisional certificate of registration under this section shall, for so long as such certificate is in force, be liable to pay tax under this Act.

(4) A provisional certificate of registration granted under this section shall be in force for such period as may be specified therein and the provisions of sub-sections (4), (7) and (8) of section 11 shall, so far as may be, apply to any such certificate of registration.

Special registration.

14. (1) No dealer shall, while being liable to pay tax under section 5, carry on business as a dealer unless he has applied for a special certificate of registration.

(2) Every dealer required by sub-section (1) to be registered shall make an application in this behalf in the prescribed manner to the prescribed authority.

(3) If the said authority is satisfied that the application for special certificate is in order, it shall, in accordance with such rules as may be prescribed, grant a special certificate to the applicant in the prescribed form:

Provided that the special certificate shall not specify the class or classes of goods for the purposes of clause (II) of sub-section (3) of section 7.

(4) The prescribed authority may from time to time amend any special certificate in accordance with the information furnished under section 23 or otherwise received by him.

(5) The provisions of sub-section (3) of section 4 and sub-sections (6) and (7) of section 11 shall apply for registration under this section.

Payment of tax and returns.

15. (1) Tax payable under this Act shall be paid in the manner hereinafter provided at such intervals as may be prescribed.

(2) Such dealers as may be required so to do by the Commissioner by notice served in the prescribed manner and every registered dealer shall furnish such returns by such date and to such authority as may be prescribed.

(3) Before any registered dealer furnishes the returns required by sub-section (2), he shall pay into a Government treasury or the Reserve Bank of India or in such other manner as may be prescribed the full amount of tax due from him under this Act according to such returns, and shall furnish along with the returns a receipt from such Treasury or Bank showing the payment of such amount.

(4) If any dealer discovers any omission or other error in any return furnished by him, he may at any time before the date prescribed for the furnishing of the next return by him furnish a revised return; and if the revised return shows a greater amount of tax to be due than was shown in the original return, it shall be accompanied by a receipt showing payment in the manner provided in sub-section (3) of the extra amount.

(5) With a view to encourage prompt payment of tax, the Government may prescribe rates of remissions or rebates in respect thereof in accordance with such principles as may be prescribed.

Collection of tax only by registered dealers.

16. No person who is not a registered dealer shall collect in respect of any sale by him of goods in Goa, Daman and Diu any amount by way of tax under this Act and no registered dealer shall make any such collection except in accordance with this Act and the rules made thereunder.

Assessment of tax.

17. (1) If no returns are furnished by a registered dealer in respect of any period by the prescribed date, or if the Commissioner is not satisfied that the returns furnished are correct and complete, the Commissioner shall, within three years after the expiry of such period, proceed in such manner as may be prescribed to assess to the best of his judgment the amount of the tax due from the dealer and in making such assessment shall give the dealer a reasonable opportunity of being heard; and in the case of failure by a registered dealer to submit in respect of any period, a return accompanied by a receipt from a Government Treasury or the Reserve Bank of India as required under sub-section (3) of section 15, by the prescribed date, the Commissioner may, if he is satisfied that the default was made

without reasonable cause, direct that the dealer shall pay by way of penalty in addition to the amount of the tax so assessed a sum not exceeding one and a half times that amount.

(2) If upon information which has come into his possession, the Commissioner is satisfied that any dealer, has been liable to pay tax under this Act in respect of any period but has failed to get himself registered, the Commissioner shall proceed in such manner as may be prescribed to assess to the best of his judgment the amount of tax due from the dealer in respect of such period and all subsequent periods and in making such assessment shall give the dealer a reasonable opportunity of being heard; and the Commissioner may, if he is satisfied that the default was made without reasonable cause, direct that the dealer shall pay by way of penalty in addition to the amount of tax so assessed a sum not exceeding one and a half times that amount.

(3) No assessment under sub-section (1) shall be made after the expiry of four years and no assessment under sub-section (2) shall be made after the expiry of six years from the end of the year in respect of which or part of which the assessment is made:

Provided that where such assessment is made in consequence of or to give effect to any order of an appellate or revisional authority or of a court, the period of four years or six years, as the case may be, shall be reckoned from the date of such order.

(4) The amount of tax —

- (a) due where the returns are furnished without receipt showing full payment thereof, or
- (b) assessed under sub-section (1), less the sum, if any, already paid by the dealer in respect of the said period, or
- (c) assessed under sub-section (2),

shall, together with any penalty that may be directed to be paid under any of the provisions of this section, or section 31, be paid by the dealer into a Government Treasury or the Reserve Bank of India or in such other manner as may be prescribed by such date as may be specified in a notice issued by the Commissioner for this purpose and the date to be so specified shall be not less than sixty days from the date of service of such notice:

Provided that the Commissioner may, in respect of any particular dealer and for reasons to be recorded in writing, extend the date of such payment or allow such dealer to pay the tax due and the penalty, if any by instalments.

(5) When a dealer is in default in making payment of the tax, the Commissioner or any person appointed to assist him under sub-section (1) of section 3, may in his discretion direct that, in addition to the amount of the arrears, a sum not exceeding six per cent thereon per annum by way of interest plus a penalty equal to the amount of such interest shall be recovered from the dealer.

(6) Any amount of tax or penalty which remains unpaid after the date specified in the said notice, shall be recoverable as an arrear of land revenue under the law for the time being in force in that behalf.

(7) Any assessment made under this section shall be without prejudice to any prosecution instituted for an offence under this Act.

Assessment and reassessment of tax

18. If in consequence of definite information which has come into his possession the Commissioner is satisfied that the turnover of the business of a dealer has escaped assessment or has been under-assessed in any year, the Commissioner may, at any time within the period of five years following the close of the year for which the turnover is proposed to be assessed or re-assessed, as the case may be, send a notice to the dealer, and after hearing him and making such inquiry as he considers necessary, may proceed to assess or re-assess, as the case may be, the tax payable on the turnover which has escaped assessment or has been under-assessed, and all the provisions of this Act and the rules made thereunder shall, so far as may be, apply accordingly for the purpose of the assessment or re-assessment of the tax, as the case may be.

Refund.

19. (1) The Commissioner shall, in the prescribed manner, refund to a dealer applying in this behalf any amount of tax or penalty paid by such dealer in excess of the amount due from him under this Act, either by cash payment or, at the option of the dealer, by deduction of such excess from the amount of tax due in respect of any other period:

Provided that no refund shall be made unless the claim for refund is made within twelve months from the date of the assessment of tax or the date of the imposition of penalty or within six months from the date of any final order passed on appeal, revision or review under section 28, whichever period expires later.

(2) Nothing in sub-section (1) shall be deemed to empower the Commissioner to amend, vary or rescind any assessment or to amend, vary or rescind any order passed on appeal, revision or review under section 27 or reference under section 28 or to confer on a dealer any relief in addition to what he is entitled under the provisions of this Act.

Accounts.

20. Every registered dealer or other dealer on whom a notice has been served to furnish returns under sub-section (2) of section 15, shall keep a true account of the value of goods bought, and sold by him, and if the Commissioner considers that such account is not sufficiently clear and intelligible to enable him to make a proper check of the returns referred to in that sub-section, he may require such dealer by notice in writing to keep such accounts (including records of sales) as may be prescribed.

Power to call for information etc., to search and to seize documents etc.

21. (1) The Commissioner may, subject to such conditions as may be prescribed, require any dealer

- (a) to produce before him any accounts, registers or documents and
- (b) to furnish any information, relating to the stock of goods of, purchases, sales or deliveries of goods by, the dealer or relating to any other matter, as may be deemed necessary for the purpose of this Act.

(2) All accounts, registers and documents relating to the stocks of goods of, or purchase, sales and deli-

veries of goods by, and all goods kept in any place of business of, any dealer, shall, at all reasonable times, be open to inspection by the Commissioner.

(3) If the Commissioner has reason to suspect that any dealer is attempting to evade payment of any tax under this Act, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary, and shall grant a receipt for the same and shall retain the same only for so long as may be necessary in connection with any proceeding under this Act or for a prosecution.

(4) For the purposes of sub-section (2) or sub-section (3) the Commissioner may enter and search any place of business of any dealer, or any other place where the Commissioner has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers or documents of his business:

Provided that no residential premises shall be entered into and searched by the Commissioner, except on the authority of a search warrant issued by a magistrate having jurisdiction over the area.

Delegation of Commissioner's powers.

22. Subject to such restrictions and conditions as may be prescribed, the Commissioner may by order in writing delegate any of his powers under this Act except those under sub-section (2) of section 30 to any person appointed under section 3 to assist him.

Information regarding changes of business.

23. If any dealer to whom the provisions of sub-section (2) of section 15 apply, —

- (a) sells or otherwise disposes of his business or any part of his business or any place of business, or effects or comes to know of any other change in the ownership of the business,
- (b) discontinues his business or changes his place of business or opens a new place of business, or
- (c) changes the name or nature of his business or effects any change in the class or classes of goods in which he carries on his business and which is or are specified in his certificate of registration,

he shall within the prescribed time inform the prescribed authority accordingly, and if any such dealer dies, his legal representative, shall in like manner, inform the said authority.

Special provision regarding liability in certain cases.

24. (1) Where a dealer, liable to pay tax under this Act, dies then,

- (a) if the business carried on by the dealer is continued after his death by his legal representative or any other person, such legal representative or other person, shall be liable to pay the tax due from such dealer under this Act, and
- (b) if the business carried on by the dealer is discontinued after his death his legal representative shall be liable to pay out of the estate of the deceased, to the extent to which the estate is capable of meeting:

the charge, the tax (including any penalty) due from such dealer under this Act,

whether such tax (including any penalty) has been assessed before his death but has remained unpaid, or is assessed after his death.

(2) Where a dealer, liable to pay tax under this Act, is a Hindu undivided family, and the joint family property is partitioned amongst the various members or groups of members, then each member or group of members shall be jointly and severally liable to pay the tax (including any penalty) due from the dealer under this Act, upto the time of the partition, whether such tax (including any penalty) has been assessed before partition but has remained unpaid, or is assessed after partition.

(3) Where a dealer, liable to pay tax under this Act, is a firm, and the firm is dissolved, then every person who was a partner shall be jointly and severally liable to pay to the extent to which he is liable under section 25, the tax (including any penalty) due from the firm under this Act, upto the time of dissolution, whether such tax (including any penalty) has been assessed before such dissolution but has remained unpaid, or is assessed after dissolution.

(4) Where a dealer, liable to pay tax under this Act, transfers or otherwise disposes of his business in whole or in part, or effects any change in the ownership thereof, in consequence of which he is succeeded in the business or part thereof by any other person, the dealer and the person succeeding shall jointly and severally be liable to pay the tax (including any penalty) due from the dealer under this Act, upto the time of such transfer, disposal or change, whether such tax (including any penalty) has been assessed before such transfer, disposal or change but has remained unpaid, or is assessed thereafter.

(5) Where the dealer, liable to pay tax under this Act—

(a) is the guardian of a ward on whose behalf the business is carried on by the guardian, or

(b) is a trustee who carries on the business under a trust for a beneficiary,

then, if the guardianship or trust is terminated, the ward or, as the case may be, the beneficiary shall be liable to pay the tax (including any penalty) due from the dealer up to the time of termination of the guardianship or trust, whether such tax (including any penalty) has been assessed before the termination of the guardianship or trust, but has remained unpaid, or is assessed thereafter.

(6) Where a dealer, liable to pay tax under this Act, is succeeded in the business by any person in the manner described in clause (a) of sub-section (1) or in sub-section (4), then such person shall be liable to pay tax on the sales of goods made by him on and after the date of such succession, and shall (unless he already holds a certificate of registration) within 30 days thereof apply for registration:

Provided that, where such person re-sells any goods purchased by the dealer while carrying on business before such succession, he shall be entitled to such deductions in respect thereof as are permissible under sub-section (3) of section 7, had the re-sale been effected by the dealer himself.

Liability of firms.

25. Notwithstanding any contract to the contrary, where any firm is liable to pay tax (including any penalty) under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payment:

Provided that, where any such partner retires from the firm, he shall be liable to pay the tax and the penalty (if any) remaining unpaid at the time of his retirement, and any tax (including any penalty) due upto the date of retirement though unassessed at that date.

Bar to certain proceedings.

26. Save as is provided in section 28, no assessment made and no order passed under this Act or the rules made thereunder by the Commissioner or any person appointed under sub-section (1) of section 3 to assist him shall be called in question in any Civil Court, and save as is provided in section 27, no appeal or application for revision or review shall lie against any such assessment or order.

Appeal, revision and review.

27. (1) Any dealer may in the prescribed manner appeal to the prescribed authority against any assessment within sixty days or such further period as may be allowed by the Commissioner for cause shown to his satisfaction, from the receipt of a notice issued under sub-section (4) of section 17 in respect thereof:

Provided that no appeal shall be entertained by the said authority unless he is satisfied that such amount of the tax as the appellant may admit to be due from him has been paid.

(2) Subject to such rules of procedure as may be prescribed, the appellate authority, in disposing of any appeal under sub-section (1), may—

(a) confirm, reduce, enhance or annul the assessment, or;

(b) set aside the assessment and direct the assessing authority to make a fresh assessment after such further inquiry as may be directed.

(3) Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Commissioner upon application or of his own motion may revise any assessment made or order passed under this Act or the rules made thereunder by a person appointed under section 3 to assist him, and subject as aforesaid, the Government may, in like manner, revise any order passed by the Commissioner:

Provided that before rejecting any application for the revision of any such order the Commissioner or the Government, as the case may be, shall consider it and shall record reasons for such rejection:

Provided further that no application for revision shall lie to the Commissioner in respect of any assessment if an appeal lies under sub-section (1) to the prescribed authority in respect of such assessment.

(4) Subject to such rules as may be prescribed, any assessment made or order passed under this Act or the rules made thereunder by any person appointed

ted under section 3 may be reviewed by the person passing it upon application or of his own motion.

(5) Before any order is passed under this section which is likely to affect any person adversely, such person shall be given reasonable opportunity of being heard.

Explanation:—In this section «assessment» includes imposition of penalty.

Statement of case to Court.

28. (1) Within sixty days from the passing by the Government of any order under sub-section (3) of section 27 affecting any liability of any dealer to pay tax under this Act, such dealer may, by application in writing, and accompanied by a fee of one hundred rupees, require the Government to refer to the Court any question of law arising out of such order.

(2) If, for reasons to be recorded in writing, the Government refuses to make such reference, the applicant may, within thirty days of such refusal, either—

- (a) withdraw his application (and if he does so, the fee paid shall be refunded), or
- (b) apply to the Court against such refusal.

(3) If upon the receipt of an application under clause (b) of sub-section (2), the Court is not satisfied of the correctness of the Government's decision, it may require the Government to state the case and refer it, and on the receipt of such requisition, the Government shall state and refer the case accordingly.

(4) If the Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised thereby, it may refer the case back to the Government to make such additions thereto or alterations therein as the Court may direct in that behalf.

(5) The Court upon hearing any such case shall decide the question of law raised therein, and shall deliver its judgment thereon containing the grounds on which such decision is founded, and shall send a copy of its judgment to the Government which shall pass such orders as are necessary to dispose of the case conformably to such judgment.

(6) Where a reference is made to the Court under this section, the costs shall be in the discretion of the Court.

(7) The payment of the amount, if any, of tax due in accordance with the order of the Government in respect of which an application has been made under sub-section (1) shall not be stayed pending the disposal of such application or any reference made in consequence thereof, but if such amount is reduced as the result of such reference, the excess tax paid shall be refunded in accordance with the provisions of section 19.

(8) In this section, «Court» means the Court of the Judicial Commissioner, Goa, Daman and Diu.

Powers of Commissioner etc. in certain matters.

29. (1) The Commissioner or any person appointed to assist him under sub-section (1) of section 3 shall, for the purposes of this Act, have the same powers as are vested in a Civil Court under

the law relating to Civil Procedure for the time being in force in Goa, Daman and Diu, when trying a suit, in respect of the following matters, namely:

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents;^o and
- (c) issuing commissions for the examination of witnesses; and any proceeding under this Act before the Commissioner or any person appointed to assist him under sub-section (1) of section 3 shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code.

(2) Subject to any rules made in this behalf, any authority referred to in sub-section (1) may impound and retain in its custody for such period as it thinks fit, any books of account or other documents produced before it, in any proceedings under this Act:

Provided that a person appointed to assist the Commissioner under sub-section (1) of section 3 shall not—

- (a) impound any books of account or other documents without recording his reasons for so doing; or
- (b) retain in his custody any such books or documents for a period exceeding thirty days without obtaining the approval of the Commissioner therefor.

Offences and penalties.

30. (1) Whoever—

- (a) carries on business as a dealer in contravention of sub-section (1) of section 11; or
- (b) fails, without sufficient cause, to submit any return as required by sub-section (2) of section 15 or submits a false return; or
- (c) being a registered dealer, falsely represents when purchasing any class of goods, that goods of such class are covered by his certificate of registration; or
- (d) not being a registered dealer, falsely represents when purchasing goods that he is a registered dealer; or
- (e) contravenes the provisions of section 16; or
- (f) fails, when required so to do under section 20, to keep prescribed accounts or records of sales; or
- (g) refuses to comply with any requirement made of him under sub-section (1) of section 21; or
- (h) knowingly produces incorrect accounts, registers or documents, or knowingly furnishes incorrect information; or
- (i) obstructs any officer making an inspection or a search or a seizure under section 21; or
- (j) neglects to furnish any information required by section 23;

shall be punishable with simple imprisonment which may extend to six months or with fine or with both, and when the offence is a continuing one, with a daily fine not exceeding fifty rupees during the period of the continuance of the offence:

Provided that no prosecution for an offence against this Act shall be instituted in respect of the same facts in respect of which a penalty has been imposed under section 17 or section 31.

(2) No Court shall take cognizance of any offence under this Act or under the rules made thereunder except with the previous sanction of the Commissioner, and no Court inferior to that of a Magistrate of the first class shall try any such offence.

(3) All offences punishable under this Act shall be cognizable and bailable.

Penalty for concealment of sales etc.

31. (1) If the Commissioner or any person appointed under sub-section (1) of section 3 to assist him in the course of any proceedings under this Act is satisfied that a dealer has concealed the particulars of his sales or has furnished inaccurate particulars of his sales and has thereby returned figures below the real amount, he may, after giving the dealer a reasonable opportunity of being heard, direct that the dealer shall, in addition to the tax payable by him under this Act, pay, by way of penalty, a sum not exceeding one and a half times the amount of tax which would have been avoided if the figures returned by the dealer were accepted as correct.

(2) If any person purchasing goods is guilty of an offence under clause (c) or clause (d) of sub-section (1) of section 30, the authority which granted to him or as the case may be, is competent to grant to him a certificate of registration under this Act may, after giving him a reasonable opportunity of being heard, by order in writing, impose upon him by way of penalty a sum not exceeding one and a half times the tax which would have been levied under this Act in respect of the sale to him of the goods, if the offence had not been committed.

Compounding of offences.

32. (1) Subject to such conditions as may be prescribed, the Commissioner may accept from any person alleged to have committed an offence under sub-section (1) of section 30 or under any rules made under this Act, either before or after the commencement of any proceedings against such person in respect of such offence, by way of composition for such offence, a sum not exceeding five thousand rupees or where the offence alleged to have been committed is under clause (a) or clause (b) of that sub-section, not exceeding double the amount of the tax which would have been payable by such person had he complied with the provisions of the Act, whichever is greater.

(2) On payment in full of such sum as may be determined by the Commissioner under sub-section (1) —

(a) no proceedings shall be commenced against such person as aforesaid; and

(b) if any proceedings have been already commenced against such person as aforesaid, such proceedings shall not be further proceeded with.

Setting up of posts and barriers.

33. (1) The Government may, by notification in the Official Gazette, set up check-posts or barriers at any place in Goa, Daman and Diu with a view to preventing evasion of sales tax and other dues payable under this Act.

(2) Every person transporting such goods as may be notified shall, at any check-post or barrier referred to in sub-section (1), file before such officer as may be authorised by the Government in this behalf a declaration in such form and in such manner as may be prescribed.

(3) The officer authorised by the Government under sub-section (2) or any other officer who may be authorised in this behalf may for the purpose of satisfying himself that the provisions of sub-section (2) are not being contravened, and subject to such restrictions as may be prescribed, intercept and search any vehicle which may be suspected of contravening the said provisions.

Indemnity.

34. No suit, prosecution or other legal proceeding shall lie against any employee of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Returns etc., to be confidential.

35. (1) All particulars contained in any statement made, return furnished or accounts or documents produced in accordance with this Act or in any record of evidence given in the course of any proceedings under this Act other than proceedings before a Criminal Court shall, save as provided in sub-section (3), be treated as confidential, and notwithstanding anything to the contrary contained in any other law relating to evidence, no Court shall, save as aforesaid, be entitled to require any employee of the Government to produce before it any such statement, return, account, document or record or any part thereof, or to give evidence before it in respect thereof.

(2) If save as provided in sub-section (3), any employee of the Government discloses any of the particulars referred to in sub-section (1), he shall be punishable with imprisonment which may extend to six months, and shall also be liable to fine.

(3) Nothing in this section shall apply to the disclosure:—

(a) of any of the particulars referred to in sub-section (1) for the purposes of a prosecution under the Indian Penal Code in respect of any such statement, return, accounts, documents or evidence, or for the purposes of a prosecution under this Act; or

(b) of such facts, to an officer of the Central Government or the Government of any State or Union Territory, as may be necessary for verification of such facts or for the purpose of enabling that Government to levy or realise any tax imposed by it.

Power to make rules.

36. (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe:—

(a) the further period after the date of expiry of three consecutive years referred to in sub-section (3) of section 4;

- (b) the particulars to be contained in a declaration under clause (II) of sub-section (3) of section 7, the form of such declaration, the authority from which such form shall be obtainable and the manner in which such declaration is to be furnished;
- (c) the other sales turnover in respect of which may be deducted from a dealer's gross turnover in computing his taxable turnover as defined in section 7;
- (d) the authority to which applications for registration under sections 11, 12, 13 or 14 shall be made;
- (e) the procedure for, and other matters incidental to, the registration of dealers and the granting of certificates of registration, and the form of such certificates under sections 11, 12, 13 or 14;
- (f) the intervals at which, and the manner in which, the tax under this Act shall be payable under section 15;
- (g) the returns to be furnished under sub-section (2) of section 15, and dates by which and the authority to which, such returns shall be furnished;
- (h) the date by which returns for any period are to be furnished and the procedure to be followed for assessment under section 17;
- (i) the manner in which refunds under section 19 shall be made;
- (j) the accounts and forms thereof required by section 20;
- (k) the conditions under which the production of accounts or documents or the furnishing of information may be required under sub-section (1) of section 21;
- (l) the restrictions and conditions subject to which the Commissioner may delegate his powers under section 22;
- (m) the authority to which information shall be furnished under section 23;
- (n) the manner in which, and the authority to which, appeals against assessment may be preferred under section 27;
- (o) the procedure for, and other matters (including fees) incidental to, the disposal of appeals and applications for revision and review under section 27;
- (p) the conditions under which offences may be compounded under section 32;
- (q) the manner in which, and the time within which, applications shall be made, information furnished and notices served, under this Act;
- (r) any other matter required to be prescribed.

(3) Any such rules may provide that a breach thereof shall be punishable with fine not exceeding five hundred rupees, and when the offence is a continuing one, with a daily fine not exceeding twenty-five rupees during the continuance of the offence.

Savings.

37. Nothing in this Act or the rules made thereunder shall be deemed to impose, or authorise the imposition of a tax on any sale or purchase of any goods when such sale or purchase takes place—

- (i) in the course of inter-State trade or commerce;

- (ii) outside Goa, Daman and Diu; or
- (iii) in the course of import of the goods into, or export of goods out of, the territory of India.

Explanation: Sections 3, 4 and 5 of the Central Sales Tax Act, 1956, shall apply for determining whether or not a particular sale or purchase takes place in the manner indicated in clause (i), clause (ii) or clause (iii).

Power to remove difficulties.

38. If any difficulty arises in giving effect to the provisions of this Act, the Govt. may, by order, as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.

THE FIRST SCHEDULE

(See clause (a) of sub-section (1) of section 7)

1. Motor vehicles, including chassis of motor vehicles, motor tyres and tubes and spare parts of motor vehicles.
2. Motor cycles and cycle combinations, motor scooters, motorettes and tyres, tubes and spare parts of motor cycles, motor scooters, motorettes.
3. Refrigerators and air-conditioning plants and component parts thereof.
4. Wireless reception instruments and apparatus, radios and radio gramophones, transistors, electrical valves, accumulators, amplifiers and loud speakers and spare parts and accessories thereof.
5. Cinematographic equipment including cameras, projectors and sound recording and reproducing equipment, recording tape, lenses, films and parts and accessories required for use therewith excluding films certified by the Central Board of Film Censors to be predominantly educational in nature.
6. Photographic and other cameras and enlargers, lenses, films and plates, paper and cloth and other parts and accessories required for use therewith.
7. All clocks, time-pieces and watches and parts thereof.
8. Iron and Steel safes and almirahs.
9. All arms including rifles, revolvers, pistols, and ammunition for the same.
10. Cigarette cases and lighters.
11. Tape recorders, dictaphone and other similar apparatus for recording sound and spare parts thereof.
12. Sound transmitting equipment including telephones and loud speakers and spare parts thereof.
13. Typewriters, tabulating machines, calculating machines and duplicating machines and parts thereof.
14. Binoculars, telescopes and opera glasses.
15. Gramophones and component parts thereof.
16. Gramophone records.

THE SECOND SCHEDULE

(See section 10)

Tax-free goods

1. All cereals and pulses including all forms of rice (except when sold in sealed containers).
2. Flour including atta, maida, suji and bran (except when sold in sealed containers).
3. Bread.
4. Meat (except when sold in sealed containers).
5. Fish (except when sold in sealed containers).
6. Fresh eggs.
7. Live stock including poultry.
8. Vegetables, green or dried (excluding dehydrated vegetables) and vegetable seeds and plants (other than medical preparations) (except when sold in sealed containers).
9. Fresh fruits.
10. Sugar, Gur, molasses and sugarcane.
11. Salt.
12. Fresh milk, whole or separated and milk products.
13. Karadi (safflower) oil and till (sesamum) oil.

14. Edible oils pressed on Ghanis.
 15. Ghee and vegetable ghee.
 16. Dahi, butter and Khao.
 17. All varieties of cotton, real silk, woollen, rayon or artificial silk fabrics.
 18. Cotton yarn including cotton thread.
 19. White printing paper, creamlaid paper, hand made paper and newsprint.
 20. School exercise and drawing books and other articles of stationery used by the students.
 21. All books and periodicals.
 22. Kerosene.
 23. Fuel wood and charcoal.
 24. Agricultural implements.
 25. Matches.
 26. Cattle feeds including fodder and poultry feed.
 27. Hides and skins, whether in a raw or dressed state.
 28. Electrical energy.
 29. Fertilizers and manures including oil cakes.
 30. Water but not aerated water or mineral water, or water sold in bottles or sealed containers.
 31. Raw wool.
 32. Tobacco and all its products.
 33. (i) Country-made shoes When manufactured (Juties) (i) without the use of power, and (ii) at a place other than a factory as defined in the Factories Act, 1948 and sold either by the maker himself or by any member of his family or by a cooperative society consisting wholly of the makers of such articles.
 - (ii) Hand-made utensils
 - (iii) Cane and bamboo handicrafts
 - (iv) Earthenwares made by Kumbhars
 34. Achar and Murraha except when sold in sealed containers.
 35. Charkha, takli and charkha accessories.
 36. Slate, slate pencils, takhties, black ink used for takhties, writing chalks, crayons, foot rules of the type used in schools, Kalams (Pens used for takhties).
 37. Betel leaves, betel nuts, kat and edible lime.
 38. Durries of the size not exceeding 30 sq. feet in area.
 39. Bardana including hessian cloth, iron strips and wooden and tin packing, the sale of which is incidental to dealings in any of the other goods mentioned in this Schedule.
 40. Cotton padding.
 41. Articles and utensils made of Kansa (bellmetal).
 42. Bullock carts, and spare parts thereof.
 43. Chillies, chilly powder; tamarind, turmeric and all other condiments, whole or powdered, except when sold in sealed containers.
 44. Coconut in shell; coconut oil and separated kernel of coconut other than copra.
 45. Cooked food and non-alcoholic drinks served at one time at a price of not more than three rupees per person, for consumption at or outside any eating house, restaurant, hotel, refreshment room or boarding establishment which is not a shop or establishment conducted primarily for the sale of sweetmeats, confectionery, cakes, biscuits or pastries.
 46. Foodstuffs and food provisions of all kinds (including dried fruits and dried vegetables; raw semi-cooked, semi-processed or ready-to-serve foods; pickles, sauces, jams, marmalades, jellies; preserved fruits and honey) when sold in sealed containers of weight not exceeding five Kg. in each container.
 47. Farsan.
 48. Films certified by the Central Board of Film Censors to be predominantly educational in nature.
 49. Flowers (excluding artificial flowers).
 50. Flower, fruit and vegetable seeds; seeds of lucerne and other fodder grass; seeds of sann hemp; bulbs; crows; rhizomes; suckers and tubers; budgrafts, cuttings; layers and seedlings; plants.
 51. Plantain leaves, patrawalls and dronas.
 52. Handloom fabrics of all varieties (excluding pile carpets, braids, borders, laces and trimmings).
 53. «Khadi» and ready-made garments and other articles prepared from Khadi.
- Explanation* — For the purpose of this entry «Khadi» means any cloth woven on handloom in India from cotton, silk or woollen yarn hand-spun in India or from the mixture of any two or all such yarns.
54. Products of Village Industries as defined in the Khadi and Village Industries Commission Act, 1956.
 55. (i) Handloom and parts thereof.
 - (ii) The following handloom accessories, namely: —
 - (a) Rach
 - (b) Fani
 - (c) Cotton healds
 - (d) Shuttles
 - (e) Bobbins
 - (f) Pins
 - (g) Pickers.
 - (iii) The following handloom auxiliary machines namely: —
 - (a) Warping frames worked by hand
 - (b) Sectional drum type warping machine worked by hand and V-shaped creel used therewith.
 - (iv) The following attachment to handlooms namely: Wooden dobbies
 56. Kumkum (including liquid Kumkum).
 57. Mangalsutra with black glass beads sold at a price not exceeding ten rupees each.
 58. Bangles of price not exceeding rupee one per pair.
 59. Silkworm eggs and silkworm cocoons.
 60. Stamp-papers and stamps sold by vendors duly authorised under the provisions of the Indian Stamps Act, 1899, and the Court Fees Act, 1870.
 61. Safety razor blades.
 62. Fishing equipment other than mechanised boats and vehicles.

THE THIRD SCHEDULE

(See clause (b) of sub-section (1) of section 7)

1. Coal including coke in all its forms.
2. Cotton as defined in section 14 of the Central Sales Tax Act, 1956.
3. Iron and steel
4. Jute
5. Oil-seeds
6. Artificial silk yarn.

Secretariat
Panjim,
September 16, 1964

S. BALAKRISHNA
Secretary to the Government
of Goa, Daman and Diu.